Driving with Medical Conditions

Licensing requirements for NSW Drivers

Prepared by Sandra Martin,
Manager Licence Review Unit
Roads and Maritime Services (RMS)

October 2012
Our Vision:

RMS strives to be the leader in the management and delivery of safe, efficient and high quality services and infrastructure to the community and businesses of NSW.

One of our key values and paramount concerns is:

ROAD SAFETY
For most people, being able to drive is a very important part of their daily life
- for maintaining social contact,
- for getting to and from work,
- for accessing their everyday needs such as food and services.
- Driving can also be essential to employment.

Being able to drive is a privilege which comes with significant responsibilities, such as making sure that you are well enough to drive safely.

Driving a vehicle is a complex task requiring perception, good judgement, memory, responsiveness and also appropriate physical capability.

Certain health conditions, disabilities and associated treatments, can affect or impair a persons driving ability, either on a short term or permanent basis.
RMS has a legal obligation to ensure that all licence holders are medically fit and competent to safely drive.

To assist in this requirement RMS has adopted the national medical standards and clinical guidelines, published by Austroads:

‘ASSESSING FITNESS TO DRIVE FOR COMMERCIAL AND PRIVATE VEHICLE DRIVERS’
The primary purpose of the ‘Assessing Fitness to Drive’ publication is to increase road safety and assist health professionals and driver licensing authorities make important decisions, in a consistent and appropriate manner, concerning a person’s fitness to drive.

The guidelines were developed in consultation with a wide range of medical experts, peak medical bodies and colleges, and have been adopted by all Australian licensing jurisdictions and registered medical practitioners.

All decisions made by RMS relating to fitness to drive are in accordance with these medical standards and clinical guidelines.
In NSW the Road Transport (Driver Licensing) Regulations 2008 specifies that it is the legal responsibility of the licence holder to report any permanent or long-term illnesses or injuries that may affect their safe driving ability as soon as practical to RMS.

Currently there are **456,099** NSW licence holders whose medical fitness to drive is regularly reviewed by RMS, as a result of either RMS having knowledge of their medical condition and/or they are aged over 75 years of age.

Of these customers:
- **43,926** customers have a Neurological condition recorded on their licence record. (which includes traumatic brain injuries, stroke, dementia, blackouts, brain tumours, cerebral palsy and multiple sclerosis.)
- **14,332** customers have Epilepsy
Drivers with Neurological conditions

<table>
<thead>
<tr>
<th>Years of Age</th>
<th>Neurological</th>
<th>Epilepsy</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-69</td>
<td>17,000</td>
<td>12,000</td>
</tr>
<tr>
<td>70-74</td>
<td>8,000</td>
<td>4,000</td>
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<tr>
<td>75-84</td>
<td>18,000</td>
<td>5,000</td>
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<td>85+</td>
<td>4,000</td>
<td>2,000</td>
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In NSW it is not mandatory for health professionals to report directly to RMS any patients with serious medical conditions.

Health Professionals have an ethical obligation, and potentially a legal one, to give clear advice to patients on whether an illness or injury may affect their driving ability, and whether it should be reported to the driver licensing authority.

In certain circumstances health professionals should consider reporting directly to the driver licensing authority in situations where the patient is either:

- unable to appreciate the impact of their condition
- unable to take notice of the health professionals recommendations due to cognitive impairment,
- or continues to drive despite appropriate advice and is likely to endanger the public.
Medical Condition Notification Form

For use of registered medical practitioners ONLY

Patient details (please print):
Title: Mr / Mrs / Ms
Surname:
Given name:
Full address:
Date of birth:
License no. (if any):

Assessment of fitness to drive:

I have examined the above named patient in accordance with the relevant national medical standards set out in Assessing Fitness to Drive in the following standards:

Private driver standards

I have known the patient for _______ years.

In my opinion, the patient subject to the report (please tick one of the two options below)

Option 1: ☐ does not meet the relevant medical criteria for an unconditional or conditional driver licence

Please describe the nature of the condition and the inability/ability to meet:

Option 2: ☐ meets the relevant medical criteria for a conditional driver licence

Please provide information to support the consideration of a conditional driver licence, including the nature of the condition, evidence of the medical criteria met and consideration to the nature of the enquired:


Patient details (please print):
Title: Mr / Mrs / Ms
Surname:
Given name:

Other name(s):

Please prescribe any recommended licence conditions or restrictions including requirement for periodic review (eg, annual review, vehicle modifications, corrective lenses or restricted times of day driving etc):

☐ Further comments / reports appear attached:

Health professional details (please print):
Reporting Professional's name:
Proctor number:
Telephone number:
Address:
Signature:
Date:

Send completed form to:

NRS 2001 (NSW) 124-2.1.06
In NSW, Clause 243 of the Road Transport (General) Act 2005 provides that:

An individual does not incur civil or criminal liability for carrying out a test or examination in accordance with the regulations made under the *Road Transport (Driver Licensing) Act 1998* and expressing to the Authority in good faith an opinion formed as a result of having carried out the test or examination, or for reporting to the licensing authority, in good faith, information that discloses or suggests that:

(a) another person is or may be unfit to drive, or

(b) it may be dangerous to allow another person to hold, to be issued or to have renewed, a driver licence or a variation of a driver licence.
The decision to grant a drivers licence is ultimately the decision of the driver licensing authority (RMS). In making all decisions concerning medical fitness to be granted a driver licence RMS must take into account information provided from an appropriate health professional.

It is important for health professionals to make all medical assessments relating to fitness to drive referencing the nationally adopted ‘Assessing Fitness to Drive’ medical standards.

RMS does not employ any medically trained staff to review and adjudicate on medical information received from Health Professionals. However, RMS does have a contracted external medical advisor who may assist RMS in reviewing medical files if required.
Neurological conditions:
Dementia, Stroke, Traumatic Brain Injury, Epilepsy, Intellectual impairment, Parkinson’s, MS, etc.

Any person diagnosed with a serious or long term Neurological condition must notify RMS of the condition as soon as possible.

Failing to declare a medical condition could result in legal prosecution and loss of insurance if the person is involved in a motor vehicle accident and RMS has not been advised.

Drivers should attend a RMS registry to notify RMS of the medical condition, at which time they will be provided with a medical report form to have completed.

Alternatively the driver may telephone the RMS Contact Centre on 13 22 13, or send a medical report or related information to the RMS Licence Review Unit at Locked Bag 14 GRAFTON NSW 2460.
Drivers with Brain Impairment

Health Professionals role:

Health Professionals are responsible for providing patients with clear information about the affects their medical condition may have on their ability to drive.

When dealing with a patient wishing to obtain a licence for the first time Health Professionals should consider whether any additional assessments or licence restrictions should be undertaken or imposed to ensure that the person is safe to learn to drive.

When completing a medical report for RMS regarding the persons medical fitness to hold a driver's licence, Health Professionals may recommend specific licence conditions or restrictions, vehicle modifications to be used and/or additional medical or driving assessments that should be completed by the driver.
Depending on the class of driver licence the person holds, or wishes to obtain, will determine whether what relevant part of the Assessing Fitness to Drive should be referred to: ‘Private’ or ‘Commercial’ vehicle standards.

To help with determining what relevant medical standards should be referred to it is important to ask patients:

- What class of licence do you hold or wish to obtain?
- How will you use the licence? (private use, business use, drive for hire, transport public passengers and/or dangerous goods)
- Where will you be driving? (Long distances, country roads, quiet streets, main roads, highways and/or motorways)
RMS requires that any driver with a serious or long term medical condition provides a satisfactory medical report from their treating doctor or specialist in regard to their medical fitness and the impact the condition may have on their ability to safely operate a motor vehicle.

**For private vehicle drivers:**
RMS will generally ask for a treating doctor (GP) medical report upon first time declaration of any medical conditions. Then depending on the information provided may request for further information from an appropriate specialist.

Conditions such as Stroke will require a specialist review in all cases.
**For commercial vehicle drivers:**
Just like private drivers, generally commercial drivers will be asked to provide a medical report from their treating doctor (GP) upon first time declaration of a medical condition. This is to firstly confirm the diagnosis.

Then once a qualified health professional has confirmed the diagnosis RMS will require for the driver to provide a further medical report from a specialist to retain or be issued with a commercial class of licence.

This is in line with the national medical standards which suggests that as a general rule commercial vehicles drivers should be assessed by an appropriate specialist.
RMS Medical Report Form
(Attachment)

Information for the Applicant and treating Health Professional

Instructions for the Applicant

For your convenience, please first enclose a medical report form to be completed by your treating doctor/specialist/ practitioner, to confirm your medical fitness to drive. In the event of the medical conditions shown at the top of the Medical Report form. It is suggested that when you make the appointment, you advise the respondent that you may require a longer than normal appointment time to give your doctor/specialist/practitioner sufficient time to complete the report.

If you do not receive the results of your examination prior to the top of the Medical Report form, please contact your doctor/specialist/practitioner.

Please ensure that you are medically fit to drive in view of the medical conditions shown at the top of the Medical Report form. It is suggested that when you make the appointment, you advise the respondent that you may require a longer than normal appointment time to give your doctor/specialist/practitioner sufficient time to complete the report.

Where indicated, you may also need to take a driving test. Arrangements for the test can be made with your nearest Driver Registry if you pass the medical examination.

The completed Medical Report form must be forwarded to our Registry as soon as possible. Information relating to Registry locations can be obtained by visiting our Combat Centre on 13 22 15, or on our website at www.rms.nsw.gov.au.

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Role of the Health Professional

When completing the medical report form, or written medical report, the Health Professional may recommend that:

- Additional assessments are completed by the applicant, such as:
  - occupational therapist driving assessment,
  - specialist review,
  - RMS disability driving test

- Specific licence conditions or restrictions are added to the licence, for example:
  - radius restriction,
  - vehicle modifications,
  - daylight hours only.
If deemed medically fit to be granted a driver licence, drivers with long term neurological conditions will only be considered eligible to hold a conditional driver licence.

The licence will be subject to the driver undertaking a periodic medical review with their treating doctor and/or specialist.

RMS medical review requirements are in accordance with the ‘Assessing Fitness to Drive’ national medical standards. Meaning that for most Neurological conditions RMS will require an annual medical review.

Shorter medical reviews may be required depending on the nature of the condition and any recommendations made by the Health Professional.
Medically Unfit to Drive

At anytime if information suggests that a driver does not meet the required medical standards to hold a driver licence, or does not have sufficient driving ability to safely drive, then RMS will take enforcement action to either suspend, cancel or vary a driver licence.

If a person is making an application to be issued with a driver licence or upgrade to a higher class of licence then RMS may refuse the application.

The person will have an option of appeal to the NSW Local Court if enforcement action is taken against their driver licence.
Additional Assessments

For many Neurological conditions a combination of medical assessments (such as specialist assessment) and off-road and on-road practical driving assessment may give the best indication of medical fitness to drive and driving ability.

Should a Health Professional think it necessary for the driver to undertake an OT driving assessment, RMS driving assessment, or an additional specialist review, then RMS enforce that the driver undertakes the additional assessment.

Health Professionals should notify RMS in writing of the necessary recommendation or mark the appropriate areas on the RMS medical report form.
If a Health Professional recommends that a person should undertake a driving assessment with a driver trained Occupational Therapist RMS will enforce that the assessment is completed.

RMS will not request for a driver to undertake an off-road and on-road driving assessment with an occupational therapist unless the assessment is recommended by an appropriate Health Professional.

A person must hold an active driver licence to undertake an on-road driving assessment – they must legally be permitted to drive on a road.

Occupational Therapist will check the drivers licence status with RMS prior to undertaking an on-road driving assessment.
In many cases RMS will require drivers to be issued with a restricted learner
licence for the purpose of an OT assessment. This will depend on the nature of
the condition, recommendations of the Health Professional and the class of licence
held.

Upon the receipt of an OT referral, RMS will notify the licence holder of the
requirement to undertake an OT assessment. If it is necessary for the driver to
downgrade to a learner licence, RMS will notify the driver of that their unrestricted
licence will be cancelled, so that a Learner licence can be issued.

In some instances consideration may be given to allow a driver to retain their
unrestricted driver licence pending the OT assessment.

RMS will review all OT referrals on an individual basis before
deciding what action should be taken on the driver licence.
First time drivers

Before a licence can be issued:

A satisfactory medical report from their treating doctor or appropriate specialist is required to confirm that they meet the relevant medical standards to be granted a driver licence.

Any person seeking to obtain a licence for the first time must attend a RMS registry office to make a licence application, at which time they will be required to declare any medical conditions or physical disabilities.

Once RMS has been advised of the condition, the applicant will be provided a RMS medical report form to have completed by their treating doctor or specialist before any further licence transactions can be completed.
Once RMS is provided with a satisfactory medical report, the applicant will be required to successfully complete a RMS knowledge test prior to a Learner driver licence being issued.

Applicants should obtain a Road User’s Handbook for relevant information on licensing requirements and road rules.

Any Learner licence issued will be restricted with the condition of only driving with a licensed driver instructor until the OT assessment is completed.

To assist Young Drivers, RMS’ website contains a dedicated link specific to learner and provisional licence holders called ‘GEARED’ (www.rta.nsw.gov.au/geared)
Once the driver has completed the OT assessment RMS will then consider whether the driver can continue to complete other Learner licence obligations (log book hours).

Any licence conditions or restrictions recommended by the OT will be applied to the Learner licence as soon as possible, which may require the driver to be issued with a replacement licence card.

The driver will need to remain on the Learner licence for the standard period of time and a driving test must be successfully completed in order to upgrade to a Provisional licence.

If as a result of the OT assessment vehicle modifications are recommended then a RMS disability driving test will be required (in lieu of a standard driving test) prior to upgrading from a Learner licence.
**Existing licence holders**

Any person wishing to return to driving with a neurological condition must ensure that they report the medical condition to RMS as soon as possible.

Existing drivers referred for an on-road and off-road OT driving assessment may contact and arrange a driving assessment prior to notifying RMS of the medical condition. OT driver assessors will refer a copy of the OT referral and any medical reports to RMS.

RMS may allow for the driver to continue to drive unaccompanied prior to undertaking the OT assessment, if the assessment is completed with a suitable timeframe (i.e. 6 weeks).

If an OT assessment is not arranged and completed within the timeframe provided then RMS will take action to suspend the driver licence until confirmation is provided that the appropriate assessment has been arranged.
However, in many cases involving Neurological conditions RMS will enforce that the driver is issued a restricted Learner licence for a period of six months until the OT assessment is completed.

The Learner licence is endorsed with the condition that the driver may only drive whilst accompanied by a licensed driver instructor.

The OT assessment must be completed within the 6 months provided, otherwise the Learner licence will not be renewed.
If as a result of the OT assessment the driver requires vehicle modifications to assist in driving safely, a RMS disability driving test must be completed once the modifications are installed and before the Learner licence can be upgraded.

If the driver is found to be unsafe to operate a motor vehicle as a result of the OT assessment then RMS will take action to cancel the driver licence.

If this occurs the driver will be notified in writing of the decision and will have an option of appeal to the NSW Local Court.
Brain impairment does not exclude a person from driving.

It may mean that the person will need to provide medical evidence and demonstrate to RMS that the condition does not impact on their fitness and ability to safely drive.

For more information on driver licensing in NSW anyone can contact the RMS Contact Centre on 13 22 13 or visit our website at www.rms.nsw.gov.au

Contact details for RMS Licence Review Unit are:

Phone: 02 6640 2821
Fax: 02 6640 2894
Email: Medical_Unit@rms.nsw.gov.au
Mailing address: Locked Bag 14, GRAFTON NSW 2460.